
COMMERCIAL ZONING DISTRICTS IN PORTER SQUARE

A. Recent Rezoning History in Porter Square

1. Creation of the Business C District - 1977

The Business C district was newly created in the Zoning Ordinance in 1977 and applied on the Zoning Map to the Porter Square area. It was subsequently applied to an area along Alewife Brook Parkway. The new district replaced the Business B district that had existed in Porter Square (and most other business squares in Cambridge: e.g. Trolley, Inman, Harvard, and Central) since at least 1960. The BB district then allowed development at an FAR of 4.0 (reduced to 2.0 with the change to BC) with no limit on the height of buildings (now limited to 55 feet). The rezoning was initiated in anticipation of the extension of the Red Line through Porter Square.

2. Adoption of the Institutional Use Regulations - 1981

Under authorization granted to the City of Cambridge by the General Court, the City adopted regulations that prohibit or significantly limit the establishment or expansion of university and other educational activities in low and moderate density residential zoning districts (like the Residence B and C-1 districts that generally prevail in Agassiz and Neighborhood 9). One consequence of those regulations is that a premium is placed on land in non-residential and high-density residential districts as the locus for university expansion.

3. Creation of the Business A-2 District and the Massachusetts Avenue Overlay District - 1986

The Business A-2 district was created to replace the Business A district that had previously applied along the portions of Massachusetts Avenue on either side of Porter Square. The principal change incorporated into the new district was the reduction in the height premium granted to housing, from 85 feet to 45 feet, although other important changes were made. The Massachusetts Avenue Overlay District introduced a number of site and architectural design requirements for development along the Avenue. This rezoning initiative also reduced the extent of the Business C District east of Beech Street.

4. Reduction in the FAR in the Business C District - 2001

As part of a citywide effort to provide incentives for the construction of housing, and to reduce the rate of increase in traffic generated by commercial development in the city, the FAR permitted for commercial uses in the Business C district (as well as most other commercial and industrial districts in the city) was reduced from 2.0 to 1.25. The FAR for housing remains at 2.0.

5. Citywide Project Review - 2001

To bring uniformity to the review of large projects in the city, a citywide Project Review Special Permit process was created that requires review by the Planning Board of projects exceeding 50,000 square feet (25,000 square feet for retail development). Their urban design and traffic impacts are analyzed. Projects of this scale in the BA-2 and BC districts would be subject to this review. Any project of at least 25,000 square feet but less than 50,000 square feet is also subject to architectural and site design standards similar to those imposed in the Overlay District.

B. Business Districts in Porter Square

1. Business A-2 District – Massachusetts Avenue and Porter Square

A neighborhood commercial district created specifically for Massachusetts Avenue north of the Common. It is located just outside of Porter Square itself in Agassiz, Neighborhood 9 and North Cambridge. Most retail uses are allowed (not fast order food establishments, however) as well as office, institutional and residential uses.

- Uses:** All residential, institutional, office and most retail uses are permitted.
Height: 45 feet, with a setback required above 35 feet (four residential stories and three commercial stories).
Setbacks: 5 foot front yard, 20 foot rear yard, 10 side yards
Unit density: One unit per 600 square feet of lot.
FAR: 1.0 for the non-residential uses, 1.75 for residential uses.
- Special Features:** A front yard need not be any greater than that of an abutting building. A side yard may be waived where a neighboring building is located on its side property line.

2. Business C District – Porter Square

A medium density commercial district created specifically for Porter Square. Most retail uses are allowed (including fast order food establishments) as well as office, institutional and residential uses.

- Uses:** All residential, institutional, office and most retail uses are permitted.
Height: 55 feet, except 35 feet within fifty feet of a residential district (five residential stories and four commercial stories).
Setbacks: No yards are required, except a 20 foot rear yard is required where a commercial lot abuts a lot in a residential district.
Unit density: One unit per 500 square feet of lot.
FAR: 1.25 for non-residential uses, 2.0 for residential uses.

3. Massachusetts Avenue Overlay District

The Overlay District modifies the provisions of the its base districts (Business C and Business A-2 in Porter Square; Residence C-2 C-2A and C-3 Districts along Massachusetts Avenue from Shepard/Wendell Streets to the Common. The Overlay District does not modify the use provisions of the base districts.

- Height:** Sixty feet is the maximum height permitted anywhere in the Overlay District. This limitation only affects the Residence C-2 district (85 feet) and the Residence C-3 District (120 feet) near the Cambridge Common.
- FAR** Bays no deeper than three feet and no wider than six feet are not
- Exceptions:** counted as Gross Floor Area if they do not cover more than 50% of the façade of a building.
- Parking:** No parking may be located between a building façade and any street or public park, across the entire length of the lot.
- Active Uses:** Active uses must be established on the ground floor of any building facing Massachusetts Avenue or other principal street. The use must be within four feet of grade (or at grade for retail uses) and must have a minimum depth of twenty feet.
- Design** a. Facades facing a street or park must consist of 25% clear glass,
- Features:** increasing to 50% on the ground floor where retail and office uses are established.
- b. Each separately leased space abutting a street must have a public door onto the public street.
- c. The principal entrance to the building must face Massachusetts Avenue.
- Rebuilding:** Non-conforming buildings are allowed to rebuild without the usual limitations.

C. Techniques Currently Employed in the Zoning Ordinance to Regulate Retail Uses

1. Variable FAR and Height

Housing is allowed in all districts in the city and is a land use generally encouraged by city policy. In non-residential districts, including the range of business districts in the Zoning Ordinance, two FARs are generally provided: the greater one for residential and dormitory uses and a lesser one for all other uses. A greater height is also frequently provided for residential development. The greater FARs and heights are meant to provide incentives to develop housing exclusively or as a part of the mix of uses in development on sites in nonresidential districts. City policy encourages the expansion of the inventory of housing in the city and significant additions to the inventory of dwelling units is likely to occur only in non-residentially zoned districts.

The Business A-2 district has a commercial FAR of 1.0 and a residential FAR of 1.75; with a height of 45 feet. The Business C district has a commercial FAR of 1.25 and a residential FAR of 2.0, with a height of 55 feet.

The Business A-1 district reverses this strategy (the district is generally located in small clusters within residential neighborhoods). Non-residential FAR is greater than the residential one: 1.0 for commercial uses, 0.75 for residential uses.

2. Limitations on Store Size and Extent of Retail Uses

Where the scale of retail activity is an issue, because of traffic generation or other concerns, the size of individual retail establishments and/or the total amount of retail activity allowed is sometimes limited. In the Business B-1 and 2 districts (located in Mid Cambridge and Riverside on Massachusetts Avenue) no single store may be greater than 12,000 square feet in area and the total of all retail activity may not be more than 25% of a building's area.

The North Point PUD district limits retail activity to 75,000 square feet with a store size no greater than 10,000 square feet.

3. Mandated Retail

Nowhere in the Ordinance is retail activity mandated exclusively. The Central Square Overlay District comes closest in this regard. At the heart of Central Square along Massachusetts Avenue and Main Street, retail, residential or limited consumer service office uses (bank or agency office) must be established in that portion of the ground floor of a building abutting either street.

The Massachusetts Avenue Overlay District requires active uses on the ground floor of buildings as well, but the use may be any permitted in the base district.

Certain PUD districts, particularly in East Cambridge, have strongly encouraged the establishment of retail activities on the ground floor of new buildings, as for example around Lechmere Canal Park. Conditions attached to special permits issued in those PUD districts have generally required retail uses on the ground floor of buildings, with very mixed results. Many storefronts have remained vacant or have been authorized by the Planning Board to convert to other uses over time.

4. Limitations on the Number of Enterprises

The Central Square Overlay District limits the number of Fast Order Food Establishments allowed in the district (14 is the number). Aimed at limiting the spread of national fast food chains in the district, the regulation has captured and complicated the lives of local "mom and pop" enterprises that are generally favored, but by definition are considered fast food in the Ordinance.

5. Design Standards

The North Massachusetts Avenue Overlay District mandates certain design features (building orientation, façade treatment, etc.) facing a public street. An extra amount of glass is required where retail and office uses are established on the ground floor.

6. Restrictions on Parking

The newly created Business A-3 district, unlike the typical pattern in the Ordinance, prohibits the provision of accessory parking for retail uses in the district. The desire is to allow or encourage small enterprises that serve nearby residents and not customers who would have to drive to patronize a store.

In several of the East Cambridge PUDs a similar parking prohibition is employed.

7. Incentive Provisions

The Ordinance does not generally provide affirmative incentives for the provision of retail activities. Several of the PUDs in East Cambridge come closest, with provisions that exempt a specific amount of retail GFA from the cap that generally prevails in those districts for such uses, if the retail activity meets defined criteria: e.g. location at the ground floor of a building, on a public street, and not exceeding a defined store size.

The concept might be extended, perhaps, to exclude a defined amount of retail GFA located on the ground floor of a mixed use building from counting against the FAR otherwise permitted in the district, if the retail use met enumerated criteria.

Such provisions could be fraught with enforcement complications over the long term as markets shift, owners change, customer demand evolves, etc.

8. Retail Uses in Residential Districts

As you might expect, commercial activity is prohibited in residential districts. Along Massachusetts Avenue near the Common, high-density residential districts (C-2, C-3, C-2A) predominate. While institutional activities and large apartment buildings are the typical development pattern here, there are nevertheless a number of active retail enterprises in these districts that operate as non-conforming uses. Their continued presence is allowed under the non-conforming provisions of the Zoning Ordinance but changes of use or significant expansion of those uses might require the granting of a variance. Should those sites be redeveloped the continuation of the retail activity might be allowed in those residential districts by special permit (or even as-of-right perhaps), subject to appropriate criteria, without the necessity of securing a variance.

9. Formula Business Restrictions

A number of communities nationwide have adopted regulations that prohibit “Formula Businesses”, i.e. retail stores, restaurants, hotels and other enterprises that are required by

contract to adopt standardized services, methods of operation, décor, uniforms, architecture, signs, etc. The prohibition is usually triggered when the format has occurred at in a threshold number of location (e.g. ten or twelve sites). The formula business could still be permitted to operate selling its basic product line but would be prohibited from looking and behaving like any other of its corporate cousins; that restriction on image is a discouragement for national chains that depend on mass marketing and identification. No similar regulation exists in Cambridge.

D. Other Relevant Issues

1. Regulation of Institutional (e.g. university) Uses

As both Lesley University and Harvard University are prominent along Massachusetts Avenue and in the abutting neighborhoods both as land owners and active uses, it is important that the authority of Cambridge to regulate these activities be clearly understood.

In general, Massachusetts communities may not prohibit non-profit educational and religious uses within their jurisdiction; those communities may, however, apply reasonable dimensional regulations (height, setbacks, parking, etc.) to them. Cambridge, however, has been granted a waiver from the use restrictions of Chapter 40A for low-density residential districts (in this neighborhood the Residence B and C-1 districts). In those districts the city is free to prohibit institutional activities or otherwise regulate their establishment as appropriate to the specific development context.

The waiver does not extend to commercial districts or the high-density C-2, C-2A and C-3 districts. In those districts, including along Massachusetts Avenue and in Porter Square, the City may not prohibit the protected institutional uses but it may still impose dimensional standards, which must, however, be “reasonable” as applied to university or religious activities.

E. Business Districts Elsewhere in the City Having Relevance to Porter Square Issues

1. Business A-1 District – Various Neighborhood Locations

A neighborhood commercial district specifically formulated to discourage the replacement of commercial uses by housing. Most retail uses are allowed (not fast order food establishments, however) as well as office, institutional and residential uses.

Uses: All residential, institutional, office and most retail uses are permitted.

Height: 35 feet (about three and a half residential stories; two+ commercial stories).

Setbacks: 20 foot rear yards

Unit density: One unit per 1,200 square feet of lot.

FAR: 1.0 for non-residential uses, 0.75 for residential uses.

Special Features: An FAR for housing that is lower than that permitted for non-residential uses was specifically chosen in order to discourage the redevelopment of retail sites to housing use. Created in the 1970's when such loss in small neighborhood shopping areas was occurring.

2. Business A-3 District – River Street and Western Avenue

A newly created district intended to preserve an existing inventory of residential dwellings and a pattern of residentially scaled development, while allowing for “Mom and Pop” service retail in residential buildings.

Uses: All residential, institutional, office and most retail uses are permitted.

Height: 35 feet (about three and a half residential stories).

Setbacks: Yards are determined by formula (based on the height of the building and the length of the wall facing the lot line) with a 10 foot minimum front yard and a 20-foot minimum rear yard.

Unit density: One unit per 1500 square feet of lot.

FAR: 0.75.

Special Features: Retail uses are only permitted in the basement and first floor or residential buildings and may not exceed more than 40% of the GFA in the building.

3. Central Square Overlay District

The Overlay District modifies the provisions of the base districts in Central Square in a manner similar to the North Massachusetts Avenue Overlay District.

Special Features: Retail, residential or office (insurance agency or bank) uses required to be established on the ground floor in the heart of Central Square. The use must extend for a depth of at least 20 feet. Fast Order Food Establishments are limited to 14 in number.